

EPA Region V
Completeness Review

A. Regulatory

1. Is the submittal accompanied by a formal letter of submittal from the governor's designee (Lloyd Eagan)? yes X no ____

- The date of submittal is February 9, 2001.

2. Did the State provide evidence that it has incorporated the revision in the Wisconsin Administrative Code? yes ____ no X

Response: Exhibit 2, "Attachment 2 from the Environmental Cooperative Agreement between DNR and WEPCO," is being submitted as a source-specific SIP revision. No changes to Wisconsin Administrative Code are being proposed as part of this SIP revision.

- The month of publication in the Wis. Adm. Register was (N/A).

- The effective date of the Environmental Cooperative Agreement is February 5, 2001.

- Are test methods/rules incorporated by reference correctly? (Has approval been obtained from the state Attorney General?)
yes ____ no ____ not applicable X

3. Did the State provide evidence that it has the necessary legal authority under State law to adopt and implement the revision? yes X no ____

Response: Please refer to Exhibit 3, "Memorandum of Agreement between DNR and EPA concerning the Environmental Cooperation Pilot Program."

4. Does the submittal include a copy of the actual regulation or document submitted for review? yes X no ____

5. Did the State provide evidence that it followed all of the requirements of its Administrative Procedures Act (ch. 227, Wis. Stats., Administrative Procedure and Review) in conducting and completing adoption/issuance of the revision? yes ____ no X

Response: Chapter 227, Wis. Stats., applies to the adoption of administrative rules and is not relevant. The Environmental Cooperative Agreement between DNR and WEPCO was developed in accordance with s. 299.80, Wis. Stats., a copy of which is included in Exhibit 3, "Memorandum of Agreement between DNR and EPA concerning the Environmental Cooperation Pilot Program."

6. Did the State provide evidence that Public Notice was given of the revision, including the date of publication? yes X no ____

7. Did the State provide certification that public hearings were held in accordance with the information provided in the public notice (notarized SIP Revision Certification)? yes X no ____

8. Does the submittal contain a compilation of public comments and the State's response? yes ____ no X

Response: A summary of all comments received concerning the entire Agreement, and DNR's responses, is available on DNR's website at <http://www.dnr.state.wi.us/org/caer/cea/ecpp/agreements/wepco/index.htm>.

B. Technical

1. Does the submittal identify all regulated pollutants affected by the revision? yes ___ no X

Response: This SIP revision applies only to procedural requirements for permitting and reporting at a single source, and has no effect on emission limitations or control requirements for any pollutants.

2. Does the submittal identify the designation, status of the attainment plan and attainment date for the area(s)?
yes ___ no X

Response: Exhibit 2 identifies the designation of the area but does not identify the status of the ozone attainment plan or the attainment date.

3. Does the submittal identify the location and types of affected sources? yes X no ___

4. Does the submittal quantify the changes in SIP-allowable emissions and estimate or quantify the changes in actual emissions from affected sources? yes ___ no X

Response: The SIP revision has no effect on emission limitations or control requirements for any pollutants.

5. Has the State demonstrated that the NAAQS/PSD increment/RFP demonstration/visibility will be protected if the revision is approved and implemented? yes ___ no X

Response: The SIP revision has no effect on emission limitations or control requirements for any pollutants.

6. Has the State provided modeling information (if necessary) to support the revision? yes ___ no ___ unnecessary X

7. Has the State provided evidence that emission limitations are based on continuous emission reduction technology?
yes ___ no X

Response: The SIP revision has no effect on emission limitations.

8. Has the State provided evidence that the revision contains emission limitations, work practice standards and recordkeeping/reporting requirements, where necessary, to ensure emission levels? yes X no ___

Response: The SIP revision does not include any change to the source's emission limitations. It does include a reduction in reporting frequency for excess emission reports from quarterly to semi-annual, but emission levels are ensured because the source is required to notify DNR of excess emissions within one business

day. The only change is that summary reports of any such incidents are received twice per year instead of four times per year.

9. Does the submittal contain enforcement/compliance strategies including how compliance will be determined in practice, and at what frequency? yes ☐ no ☒

Response: The SIP revision does not include any change to the source's emission levels or compliance demonstration methods.

10. Does the submittal contain special economic and technical justifications required by USEPA policies?
yes ☐ no ☐ not applicable ☒

SIP APPROVABILITY CHECKLIST-ENFORCEABILITY

SIP Package No. _____ Date Rec. _____ Date Due _____

STATE: Wisconsin

Subject Matter: Environmental Cooperative Agreement between WDNR and Wisconsin Electric Power Company

(Specific Provision and Description)

Enforceability Analysis	State Submittal (list responses)	EPA Requirement
1. Applicability		
a. What sources are being regulated?	Pleasant Prairie Power Plant, located at 8000 95 th Street in Pleasant Prairie, Wisconsin, an electric generating plant.	Clarity
b. What are criteria for exemption?	Pleasant Prairie Power Plant is subject to New Source Performance Standards (NSPS). Under existing Wisconsin rules, some sources are entitled to make modifications without receiving a construction permit if emissions will not increase above de minimis levels. Sources subject to NSPS are normally not entitled to this exemption. This SIP revision extends such a permit exemption for de minimis modifications to a single source, the Pleasant Prairie Power Plant.	Clarity
c. Is calculation procedure for exemption clearly specified?	No, it is the exact same procedure that applies to any non-NSPS source in Wisconsin, as provided in ch. NR 406, Wis. Adm. Code.	Example calculation or clear explanation of how to determine exemption (line by line, etc.)
d. Is emission inventory listed in the background document of the attainment demonstration?	Not applicable, no attainment demonstration is proposed.	Inventory including allowable and actual emissions in source category should be included, for enforcement purposes and independent of any Clean Air Act requirements, in the attainment demonstration if such data is necessary for determining

Enforceability Analysis	State Submittal (list responses)	EPA Requirement
		baselines in regulations.
e. Is the averaging time(s) used in the rule different from that of the ambient standard?	Not applicable, not a rule and no averaging times are used.	The averaging time in the rule must be consistent with protecting the ambient standard in question. Normally, it should be equal to or shorter than the time associated with the standard. Longer term averaging is available only in limited instances provided that the ambient standard is not compromised.
f. What are the units of compliance (lbs VOC per gallon of solids applied less water, grains per standard cubic foot?)	Not applicable, no emission limitations are proposed.	Clearly stated in the rule.
g. Is bubbling or averaging of any type allowed? If yes, state criteria. Could a U.S. EPA inspector independently determine if the criteria were met? Does EPA have to approve each case?	Bubbling and averaging are not allowed.	Explicit description of how averaging, bubbling, or equivalency is to be determined. VOC equivalency must be on a "solids applied" basis. Any method must be independently reproducible. Provision must be explicit as to whether EPA case-by-case approval is required. If provision intended to be "generic" then EPA bubble policy must be met.
g. If there is a redesignation, will this change the emission limitations? If yes, which ones	Not applicable, no redesignation is proposed.	Regulation may not automatically allow for self nullification upon redesignation of area to attainment.

Enforceability Analysis	State Submittal (list responses)	EPA Requirement
and how?		New maintenance demonstration required in order to drop regulation.
2. Compliance Dates		
a. What is compliance date?	The compliance date is the effective date of the Environmental Cooperative Agreement, February 5, 2001.	Must not be later than approved or about to be approved date of attainment unless emission reductions not necessary for attainment. In some cases, it will be necessary for the regulation to specify dates in compliance schedules that are required to be submitted by source to state.
b. What is the attainment date?	Not applicable.	
3. Specificity of Conduct		
a. What test method is required?	Not applicable.	Test method must be explicitly stated.
b. What is the averaging time in compliance test method?	Not applicable.	Averaging time and application of limit must be explicit.
c. Is a compliance calculation or evaluation required? (i.e., daily weighted average for VOC).	No.	
d. If yes to "c", list the formula, period of compliance, and/or evaluation method.	Not applicable.	Formula must be explicit.
4. Incorporation by Reference		
a. What is state	This submittal is not based on a	

Enforceability Analysis	State Submittal (list responses)	EPA Requirement
authority for rulemaking?	rule. It is based on an Environmental Cooperative Agreement, as authorized under s. 299.80, Wis. Stats.	
b. Are methods/rules incorporated by reference in the right manner.	Not applicable.	
5. Recordkeeping		
a. What records are required to determine compliance?	In order to claim eligibility for any permit exemption allowed under the Environmental Cooperative Agreement, the source must keep records (e.g., design information, technology reviews and analyses) demonstrating that the modification meets the permit exemption criteria. Refer to Exhibit 2, pp. 3-6.	Clarity
b. In what form or units (lbs/gal, gr/dscf, etc.) must the records be kept? On what time basis (instantaneously, hourly, daily)?	Not applicable.	Records to be kept must be consistent with units of compliance in the performance requirements, including the applicable time period.
c. Does the rule affirmatively require the records be kept?	This submittal is not based on a rule. It is based on an Environmental Cooperative Agreement which is enforceable under Wisconsin law. The Agreement affirmatively requires the necessary recordkeeping to determine compliance.	There must be a clear separately enforceable provision that requires records to be kept.
6. Exemptions		
a. List any exemptions allowed.	This proposal exempts the source from construction permit requirements in certain limited circumstances, but does not exempt the source from any emission limitations, control requirements, or operation permit revision requirements.	Must be clearly defined and distinguishable from what constitutes a violation.
b. Is the criteria for application clear?	Yes. Refer to Exhibit 2, pp. 3-5.	

Enforceability Analysis	State Submittal (list responses)	EPA Requirement
7. Malfunction Provisions	Not applicable.	Rule must specify what exceedances may be excused, how the standard is to be applied, and who makes the determination.